

SENATE BILL NO. 451

INTRODUCED BY WANZENRIED, R. BROWN, BRANAE, MOSS, SQUIRES, ESSMANN, BLASDEL,
GLASER, O'HARA

A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING THE MEGALANDFILL SITING LAWS; AMENDING
SECTION 75-1-208, MCA; REPEALING SECTIONS 75-10-901, 75-10-902, 75-10-903, 75-10-906, 75-10-907,
75-10-908, 75-10-909, 75-10-910, 75-10-913, 75-10-914, 75-10-916, 75-10-917, 75-10-918, 75-10-919,
75-10-920, 75-10-921, 75-10-922, 75-10-923, 75-10-924, 75-10-925, 75-10-926, 75-10-927, 75-10-928,
75-10-929, 75-10-930, 75-10-933, 75-10-934, 75-10-935, 75-10-938, 75-10-939, 75-10-940, 75-10-941,
75-10-942, 75-10-943, 75-10-944, 75-10-945, 75-10-950, 75-10-951, 75-10-952, 75-10-953, AND 75-10-954,
MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-1-208, MCA, is amended to read:

"75-1-208. Environmental review procedure. (1) (a) Except as provided in 75-1-205(4) and subsection
(1)(b) of this section, an agency shall comply with this section when completing any environmental review
required under this part.

(b) To the extent that the requirements of this section are inconsistent with federal requirements, the
requirements of this section do not apply to an environmental review that is being prepared jointly by a state
agency pursuant to this part and a federal agency pursuant to the National Environmental Policy Act or to an
environmental review that must comply with the requirements of the National Environmental Policy Act.

(2) A project sponsor may, after providing a 30-day notice, appear before the environmental quality
council at any regularly scheduled meeting to discuss issues regarding the agency's environmental review of the
project. The environmental quality council shall ensure that the appropriate agency personnel are available to
answer questions.

(3) If a project sponsor experiences problems in dealing with the agency or any consultant hired by the
agency regarding an environmental review, the project sponsor may submit a written request to the agency
director requesting a meeting to discuss the issues. The written request must sufficiently state the issues to allow
the agency to prepare for the meeting. If the issues remain unresolved after the meeting with the agency director,

1 the project sponsor may submit a written request to appear before the appropriate board, if any, to discuss the
2 remaining issues. A written request to the appropriate board must sufficiently state the issues to allow the agency
3 and the board to prepare for the meeting.

4 (4) (a) Subject to the requirements of subsection (5), to ensure a timely completion of the environmental
5 review process, an agency is subject to the time limits listed in this subsection (4) unless other time limits are
6 provided by law. All time limits are measured from the date the agency receives a complete application. An
7 agency has:

8 (i) 60 days to complete a public scoping process, if any;

9 (ii) 90 days to complete an environmental review unless a detailed statement pursuant to
10 75-1-201(1)(b)(iv) or 75-1-205(4) is required; and

11 (iii) 180 days to complete a detailed statement pursuant to 75-1-201(1)(b)(iv).

12 (b) The period of time between the request for a review by a board and the completion of a review by
13 a board under 75-1-201(1)(b)(iv)(C)(III) or (8) or subsection (10) of this section may not be included for the
14 purposes of determining compliance with the time limits established for conducting an environmental review under
15 this subsection or the time limits established for permitting in 75-2-211, 75-2-218, ~~75-10-922~~, 75-20-216,
16 75-20-231, 76-4-125, 82-4-122, 82-4-231, 82-4-337, and 82-4-432.

17 (5) An agency may extend the time limits in subsection (4) by notifying the project sponsor in writing that
18 an extension is necessary and stating the basis for the extension. The agency may extend the time limit one time,
19 and the extension may not exceed 50% of the original time period as listed in subsection (4). After one extension,
20 the agency may not extend the time limit unless the agency and the project sponsor mutually agree to the
21 extension.

22 (6) If the project sponsor disagrees with the need for the extension, the project sponsor may request that
23 the appropriate board, if any, conduct a review of the agency's decision to extend the time period. The appropriate
24 board may, at its discretion, submit an advisory recommendation to the agency regarding the issue.

25 (7) (a) Except as provided in subsection (7)(b), if an agency has not completed the environmental review
26 by the expiration of the original or extended time period, the agency may not withhold a permit or other authority
27 to act unless the agency makes a written finding that there is a likelihood that permit issuance or other approval
28 to act would result in the violation of a statutory or regulatory requirement.

29 (b) Subsection (7)(a) does not apply to a permit granted under Title 75, chapter 2, or under Title 82,
30 chapter 4, parts 1 and 2.

(8) Under this part, an agency may only request that information from the project sponsor that is relevant to the environmental review required under this part.

(9) An agency shall ensure that the notification for any public scoping process associated with an environmental review conducted by the agency is presented in an objective and neutral manner and that the notification does not speculate on the potential impacts of the project.

(10) An agency may not require the project sponsor to provide engineering designs in greater detail than that necessary to fairly evaluate the proposed project. The project sponsor may request that the appropriate board, if any, review an agency's request regarding the level of design detail information that the agency believes is necessary to conduct the environmental review. The appropriate board may, at its discretion, submit an advisory recommendation to the agency regarding the issue.

(11) An agency shall, when appropriate, consider the cumulative impacts of a proposed project. However, related future actions may only be considered when these actions are under concurrent consideration by any agency through preimpact statement studies, separate impact statement evaluations, or permit processing procedures."

NEW SECTION. **Section 2. Repealer.** Sections 75-10-901, 75-10-902, 75-10-903, 75-10-906, 75-10-907, 75-10-908, 75-10-909, 75-10-910, 75-10-913, 75-10-914, 75-10-916, 75-10-917, 75-10-918, 75-10-919, 75-10-920, 75-10-921, 75-10-922, 75-10-923, 75-10-924, 75-10-925, 75-10-926, 75-10-927, 75-10-928, 75-10-929, 75-10-930, 75-10-933, 75-10-934, 75-10-935, 75-10-938, 75-10-939, 75-10-940, 75-10-941, 75-10-942, 75-10-943, 75-10-944, 75-10-945, 75-10-950, 75-10-951, 75-10-952, 75-10-953, and 75-10-954, MCA, are repealed.

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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